



Docket No.: 09637/000L307-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kijuro Kobayashi et al.

Allowed: October 17, 2005

Application No.: 09/888,073

Confirmation No.: 6606

Filed: June 22, 2001

Art Unit: 3725

For: PRESS MACHINE

Examiner: Shelley Self

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 C.F.R. § 1.313(c)(2)**

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully petition that the above-identified application be withdrawn from issue in order to permit consideration of a Request for Continued Examination ("RCE") under 37 C.F.R. § 1.114 with a submission of an Information Disclosure Statement ("IDS") under 37 C.F.R. § 1.97. The IDS lists references which Applicants wish the Examiner to consider and to have listed on the issued patent. The filing of this RCE with IDS follows timely payment of the Issue Fee, paid on November 15, 2005, after receipt of a Notice of Allowance issued by the U.S. Patent and Trademark Office ("USPTO") on October 17, 2005.

Upon withdrawal of this application from issue and upon reopening prosecution for consideration of the RCE, the IDS, filed concurrently herewith, will have been filed prior to the issuance by the USPTO of a first Office Action on the merits, after the reopening of prosecution. Thus, submission of an IDS with the RCE does not require payment of the fee set forth in 37 C.F.R.

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§ 1.17(p) or the statement set forth in 37 C.F.R. § 1.97(e) (*see*, M.P.E.P. § 609.04(b), subsection I, item (C)).

Our check in the amount of \$920.00, for the fee set forth in 37 C.F.R. 1.17(h) to cover the \$130.00 Petition Fee and the fee set forth in 1.17(e) to cover the \$790.00 RCE Fee, is enclosed.

The Commissioner is authorized to charge any deficiency up to \$300 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: March 13, 2006

Respectfully submitted,

By

Louis J. DelJardice

Registration No.: 47,522

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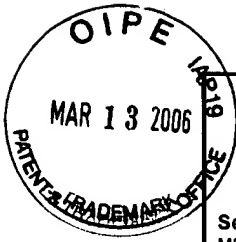
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PTO/SB/17p (11-04)
Approved for use through 7/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to:

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/888,073
Filing Date	June 22, 2001
First Named Inventor	Kijuro Kobayashi
Art Unit	3721
Examiner Name	S. M. Self
Attorney Docket Number	09637/000L307-USO

Enclosed is a petition filed under 37 CFR 1.313 and 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-0100 :

☐ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 920.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.53(e) – to accord a filing date.

§ 1.57(a) – to accord a filing date.

§ 1.182 – for decision on a question not specifically provided for.

§ 1.183 – to suspend the rules.

§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 – for access to an assignment record.

§ 1.14 – for access to an application.

§ 1.47 – for filing by other than all the inventors or a person not the inventor.

§ 1.59 – for expungement of information.

§ 1.103(a) – to suspend action in an application.

§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 – for review of refusal to publish a statutory invention registration.

§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.

§ 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.

§ 5.12 – for expedited handling of a foreign filing license.

§ 5.15 – for changing the scope of a license.

§ 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.

§ 1.84 – for accepting color drawings or photographs.

§ 1.91 – for entry of a model or exhibit.

§ 1.102(d) – to make an application special.

§ 1.138(c) – to expressly abandon an application to avoid publication.

§ 1.313 – to withdraw an application from issue.

§ 1.314 – to defer issuance of a patent.

[Signature]
Signature

March 13, 2006

Date

Louis J. DelJuidice

Typed or printed name

47,522

Registration No., if applicable